

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HM COMPOUNDING SERVICES, LLC,)
and HMX SERVICES, LLC,)
)
Plaintiffs,)
)
v.) No. 4:14-CV-1858 JAR
)
EXPRESS SCRIPTS, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on the Motion to Withdraw as Counsel filed by Winthrop B. Reed, III, Richard B. Walsh, Jr., R. Taylor Matthews III, Oliver H. Thomas, and the law firm of Lewis Rice LLC (collectively “Counsel”) (Doc. No. 211) and Plaintiffs’ Motion for Temporary Stay of Discovery and Deadlines. (Doc. No. 213) Counsel moves to withdraw as counsel of record for Plaintiffs HM Compounding Services, LLC and HMX Services, LLC, and requests the Court stay discovery and all pending deadlines for sixty (60) days to allow Plaintiffs sufficient time to engage substitute counsel.

The Court will grant Counsel’s motion to withdraw. However, the Court reminds HM Compounding Services, LLC and HMX Services, LLC that they cannot represent themselves because they are corporations. See Ackra Direct Mktg. Corp. v. Fingerhut Corp., 86 F.3d 852, 867-57 (8th Cir. 1996) (corporate defendant was technically in default on date court allowed counsel to withdraw because a corporation cannot proceed pro se). The failure to retain new counsel may cause the Court to dismiss this action without prejudice. The Court will grant Plaintiffs’ motion for temporary stay in part and stay discovery and all pending deadlines for

thirty (30) days to allow Plaintiffs to retain new counsel.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Withdraw as Counsel [211] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Temporary Stay of Discovery and Deadlines [213] is **GRANTED** in part. Discovery and all deadlines in this matter are stayed for thirty (30) days, up to and including **Friday, December 18, 2015**.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 18th day of November, 2015.